



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: R. Rogers Yocum *et al.*

Serial No.: 09/813,453

Filed: March 20, 2001

For: *MICROORGANISMS AND ASSAYS FOR
THE IDENTIFICATION OF ANTIBIOTICS*

Attorney Docket No.: OGZ-001

Group Art Unit: 1648

Examiner: Z. Lucas

RECEIVED

DEC 10 2003

TECH CENTER 1600/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

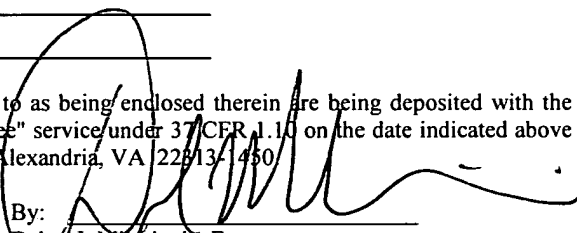
CERTIFICATION UNDER (37 CFR 1.10)

"Express Mail" Mailing Label Number EV 309 883 598 US

Date of Deposit December 2, 2003

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 2, 2003
Date of Signature

By: 
Debra J. Milasincic, Esq.
Reg. No. 46,931
Attorney for Applicant

AMENDMENT

Sir:

In response to the Office Action of July 2, 2003, please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

Amendments to the Drawings begin in page 5 of this paper and include both attached replacement sheets and annotated sheets showing changes.

Remarks begin on page 6 of this paper.

An Appendix including amended drawing figures is attached following page 16 of this paper.



12-04-03

1648#

AMENDMENT TRANSMITTAL LETTER			Docket No. OGZ-001
Application No. 09/813453-Conf. #3274	Filing Date March 20, 2001	Examiner Z. Lucas	Art Unit 1648

Applicant(s): R. Rogers Yocum, *et al.*

Invention: MICROORGANISMS AND ASSAYS FOR THE IDENTIFICATION OF ANTIBIOTICS

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

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CLAIMS AS AMENDED					TECH CENTER 1600/2800
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	13	- 36 =		x	0.00
Independent Claims	1	- 11 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Extension for response within second month					210.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					210.00

- ☐ Large Entity ☒ Small Entity
- ☐ No additional fee is required for this amendment.
- ☒ Please charge Deposit Account No. 12-0080 in the amount of \$ 210.00.
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-0080 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

Debra J. Milasincic
Attorney Reg. No.: 46,931

Dated: December 2, 2003

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400

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Dated: December 2, 2003

Signature: [Signature] (Debra J. Milasincic)



PTO/SB/17 (10-03)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 210.00

Complete if Known

Application Number 09/813453-Conf. #3274
Filing Date March 20, 2001
First Named Inventor R. Rogers Yocum
Examiner Name Z. Lucas
Art Unit 1648
Attorney Docket No. OGZ-001

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

12-0080

Deposit Account Name

Lahive & Cockfield, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	210.00
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 210.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Total Claims	13	-36** =		x		0.00
Independent Claims	1	-10** =		x		0.00
Multiple Dependent						

Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00

**or number previously paid if greater. For Reissues, see above

SUBMITTED BY

Name (Print/Type) Debra J. Milasincic

Signature

Registration No.
(Attorney/Agent)

48,931

(Complete (if applicable))

Telephone (617) 227-7400

Date December 2, 2003

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Dated: December 2, 2003

Signature:

(Debra J. Milasincic)